

REMARKS

In the **final** Office Action mailed April 28, 2010, the Office noted that claims 17, 20-23, 25-31 and 33-36 were pending and rejected claims 17, 20-23, 25-31 and 33-36. In this amendment claims 17, 22, 27 and 31 have been amended, claims 20, 26, 28-30 and 34-36 have been canceled, and, thus, in view of the foregoing, claims 17, 21-23, 25, 27, 31 and 33 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 102

Claims 17, 20-23, 25, 26, 33 and 34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lee, U.S. Patent No. 7,113,475. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Lee discusses an optical information storage medium where nominal recording speed information is recorded in a read-only zone, and maximum and minimum recordable speed information is recorded in a recordable zone of an area other than a user data area.

The Applicants have amended claim 17 to further recite "the first recording condition information is different from the second recording condition information, and the first and second recording condition information are periodically recorded in the management information area of the first recording layer."

Support for the amendment may be found, for example, in Fig. 11 and page 34, lines 22 to 25 of the Specification. The Applicants have amended claims 27 and 31 in a consistent manner.

The Applicants have changed the feature "recording device for (process of) recording the information into the recording target layer at the set recording speed" in claims 27 and 31 into "recording the information into a recording target layer in which the information is to be recorded on the basis of the read first or second recording condition information."

The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

Lee fails to disclose, suggest or teach the feature of the present invention such that "different two kinds of recording condition information (i.e. the first and second recording condition information), each of which corresponds to respective one of the plurality of recording layers and are different from each other, are recorded".

More specifically, because Lee merely discusses the single layered optical information storage medium which includes only one recording layer, Lee does not disclose the detailed construction or the detailed data structure about the recording condition information (e.g. the recordable speed flag (code)) in the case of the multi-layered optical information storage medium. In addition, although Lee discloses that "The first through third embodiments of the present invention can be applied to a multi-

layered optical information storage medium which may include a plurality of recording layers (see col. 9, lines 2-23 of Lee)", Lee does not disclose the detailed construction or the detailed data structure about the recording condition information (e.g. the recordable speed flag (code)) in the case of the multi-layered optical information storage medium. Namely, Lee does not specifically disclose, suggest or teach that (i) the recording condition information corresponding to one recording layer is different from the recording condition information corresponding to another recording layer are recorded and (ii) both of the recording condition information corresponding to one recording layer and the recording condition information corresponding to another recording layer, which are different from each other, are recorded in the optical information storage medium.

Therefore, Lee does not disclose, suggest or teach the feature of the present invention such that "different two kinds of recording condition information (i.e. the first and second recording condition information), each of which corresponds to respective one of the plurality of recording layers and are different from each other, are recorded".

Lee does not disclose another feature of the present invention such that "the first and second recording condition information are periodically recorded in the management information area of the first recording layer".

More specifically, as described above, because Lee does

not disclose the detailed construction or the detailed data structure about the recording condition information in the case of the multi-layered optical information storage medium, Lee does not disclose, suggest or teach how both of the recording condition information corresponding to one recording layer and the recording condition information corresponding to another recording layer, which are different from each other, are recorded in the optical information storage medium.

Further, due to the above features, according to the present invention, it is possible to record the first and second recording condition information repeatedly (or redundantly). Therefore, it is possible to read the first and second recording condition information more reliably. This technical effect cannot be obtained by Lee, because Lee does not disclose the detailed construction or the detailed data structure about the recording condition information in the case of the multi-layered optical information storage medium.

For at least the reasons discussed above, claim 17 and the claims dependent therefrom are not anticipated by Lee.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 27, 28, 31, 35 and 36 stand rejected under 35 U.S.C. § 103(a) as being obvious over Lee in view of Ito, U.S. Patent No. 7,184,377. The Applicants respectfully disagree and

traverse the rejection with an argument.

Claims 28, 35 and 36 have been cancelled.

Claims 27 and 31 disclose similar features as claim 17.

Ito fails to disclose, suggest or teach the above novel features of the present invention.

Thus, for the reasons discussed above, as to claim 17, Lee and Ito, taken separately or in combination, fail to render obvious the features of claims 27 and 31 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 17, 21-23, 25, 27, 31 and 33 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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